



April 7, 2022

Meeting Notice
Village Council Meeting As
A Committee of the Whole
April 12, 2022
6:30 p.m.

Due to the coronavirus (COVID-19) pandemic, Whitehouse Village Council is urging citizens to access public meetings remotely. You may do so by phone by dialing **1-567-318-0438**. You will then be prompted to press the following Meeting ID **635995669#**. You may also access the meeting online by going to the Village Website at www.whitehouseoh.gov and clicking on the link from the home page, **please make sure that you mute your microphone**.

Notice is hereby given that the Whitehouse Village Council will meet as a Committee of the Whole on Tuesday, April 12, 2022 at 6:30 p.m.

AGENDA

- I. Call to Order
- II. Roll Call
- III. Review and Approval of the March 8, 2022, Committee of the Whole Meeting Minutes
- IV. Citizen Comments on Committee of the Whole Agenda Items
- V. **Finance**
 - A. Discussion on Community Donations Policy
 1. **Recommended Action** – Engage in Committee discussion on Community Donation Policy using Village funds
 2. **Supporting Information** – Memo and supporting documents (Exhibit A)
- VI. **General**
 - A. Review of Policy on Temporary Tent Permits
 1. **Recommended Action** – Hear summary from Deputy Chief Francis on review of temporary tent permit process
 2. **Supporting Information** – Memo and supporting documents (Exhibit B)
- VII. Citizen Comments
- VIII. Consider Other Business as Appropriate Under the Village Charter
- IX. Adjourn

Village Council Meeting As
A Committee of the Whole
March 8, 2022
6:30 PM

At 6:30 PM, President of Council Rebecca Conklin Kleiboemer called the meeting to order.

ROLL CALL: Richard Bingham, Rebecca Conklin Kleiboemer, Mindy Curry, Bob Keogh, Dennis Recker and Louann Artiaga . Also present were the following: Mayor Don Atkinson, Administrator Jordan Daugherty, Director of Public Services Steve Pilcher, Fire Chief Joshua Hartbarger, Deputy Fire Chief Jason Francis, and Clerk Susan Miller, Rob Casaletta and Karen Gerhardinger,

Motion by Dennis Recker, seconded by Richard Bingham to accept the minutes of the February 8, 2022 meeting. 6 ayes

Finance

The first order of business was to discuss Revenue Sources.

- Long term solution
- Phase I stabilization, 5-10 year plan, present focus, around \$500,000 needed
- Phase II future/long term funding plan, planning for the City of Whitehouse
- 10 mill cap is exhausted, anything from here will go to the voters
- Target timeline, decision no later than midsummer
- Exhibit A listing the options
- Bedroom community, income tax is a collective fee for services that makes services equitably available, bedroom communities eventually decide to increase revenue or decrease costs/services
- Income tax credit doesn't make sense in a bedroom community
- If residents are going to pay more, make sure the problem is solved, the Village charges what services cost
- Leary of using multiple sources to solve Phase I, recommendation to eliminate the income tax credit
- Thank you Administrator Jordan Daugherty for putting this together, it is very easy to understand
- Cannot make this retroactive to the previous year, can make it retroactive to the beginning of the year, recommend making it take effect next year, allows residents to make budgetary decisions, quarterly estimates would reflect this next year
- More than 50% of residents receive the tax credit
- Impacts less people, meets the stability goal
- If everything remains the same, it will get us through the next 5 years, possibly a few more years, will not take us into city hood
- Dispatch, healthcare, other costs
- Other communities that have eliminated the income tax credit
- Other communities have large businesses, commercial tax base
- Keeping the community the way residents want, zoning, lot size, density, the community says it would like things a certain way, that has a cost
- Doing nothing would diminish administration, public services, community planning, degradation of improvements, safety services would stay intact
- Councilman Richard Bingham likes Option 4A, has confidence citizens will vote for it

- Residents like amenities, 1975 was the last increase, residents are not used to increases, in 3-4 years we will know more and work out what is needed
- If we are going to the voters for an income tax increase, it would be better to ask for the \$1,000,000 and fix the problem
- It does not make sense to give a credit for people that work outside of the Village and raise taxes on people that live inside of the Village, why give a tax credit for people working outside of the Village and still getting all of the amenities, giving a credit to people receiving full services
- If it goes to the ballot and it fails, raising through the smaller increments will be more difficult, Whitehouse has one of the lowest income tax rates, it's amazing what we do without resources
- 13 municipalities with no income tax credit in Northwest Ohio
- Other communities rates and credits, difficult to compare because no community has the same factors, doing what's best for our factors
- Everyone getting reciprocity is paying taxes somewhere else
- All agree on the confidence of the people, revenue is needed to continue services, not supporting a property tax increase, concern for people on fixed incomes, our rate is on the lower end, others with low rates have huge industrial bases
- Council can create stabilization, 5 years will educate us, Phase II will need to be done or the Village will be in a deficit spending mode, every year after 1975 shows the Village pushed it as far as they can
- Voters voted 1.5% rate, Council voted the income tax credit
- Council member/Preferred Option, Louann Artiaga 4A, Richard Bingham 4A, Rebecca Conklin Kleiboemer 2C, Mindy Curry 2C, Bob Keogh 2C - but if going with 4 do 4B, Dennis Recker 2C
- Citizen input, public hearings, 3 full readings, not passing as an emergency

President of Council, Rebecca Conklin Kleiboemer asked for Citizen Comment pertaining to Agenda items.

- Rob Casaletta, Option 2 tax year 2023 is the best option right now, maintain current level of service and achieve stability, look at ways to make more efficient and extend profit, 8 months to educate the public, the public will accept it if they are informed
- Richard Bingham and Dennis Recker will not be present for the April Committee of the Whole meeting

Motion by Dennis Recker, seconded by Mindy Curry to recommend to Council to authorize the Administration to remove the Income Tax Credit, Option 2C. 4 ayes, 2 nays Richard Bingham, Louann Artiaga

The Council meeting on March 15, 2022 will be at 5:00 PM.

Motion by Richard Bingham, seconded by Bob Keogh to adjourn at 7:54 PM. 6 ayes

Respectfully submitted,

Susan Miller
Clerk of Council

**The Village of Whitehouse
Revenue Creation Analysis
To be implemented no later than January 2024**

NOTE: *Stabilization Target: \$500,000 of new General Fund revenue
 *Enhancement Target: \$750,000-\$1,000,000 of new General Fund revenue
 *Whitehouse has maxed out its 10 mil inside voted cap. Any additional millage must be voted (put on ballot);

Option 1: Property Tax Levy

*Stabilization Target: \$500,000 of new General Fund revenue
 *Enhancement Target: \$750,000 of new General Fund revenue

	Voted Millage
\$500,000	4.5
\$750,000	6.5

Equates to approximately \$140/\$100,000 in property valuation per year.

Example: Annual tax on \$250,000 property would be approximately \$350 at 4.5 mils and \$558 at 6.5 mils (per year).

Option 2: Income Tax Credit Reduction and/or elimination (not on ballot)

	<u>Additional Revenue</u>
(A) .25% Income Tax Credit (ITC) reduction	\$ 194,000
(B) .50% ITC reduction	\$ 390,000
(C) .75% ITC reduction (full elimination)	\$ 585,000

Option 3: Income Tax Increase (ballot required), no ITC reduction

	<u>Additional Revenue</u>
(A) .25% Income Tax rate increase	\$ 540,000
(B) .50% Income Tax rate increase	\$ 1,075,000

Option 4: Combination of Income Tax Increase (ballot required) and ITC (not on ballot) reduction

	<u>Additional Revenue</u>
(A) .25% Income Tax rate increase, .25% ITC reduction	\$ 734,000
(B) .25% Income Tax rate increase, .50% ITC reduction	\$ 930,000

Option 5: Combination of Property Tax levy (ballot required) and ITC (not on ballot) reduction

	<u>Additional Revenue</u>
(A) 2.25 mil levy & .50% ITC reduction	\$640,000
(B) 2.25 mil levy & .75% ITC elimination	\$835,000

***Example: Annual tax on \$250,000 property would be approximately \$175 at 2.25 mils.

Recommendation: Phase One-Elimination of ITC in 2022; Phase Two-Meet semiannually and consider long term funding.

MEMORANDUM

TO: Whitehouse Village Council
CC: Village of Whitehouse Administration
FROM: Rebecca Conklin Kleiboemer, Council President
DATE: April 7, 2022
RE: Community Development Fund

In recent years Whitehouse Village Council has appropriated a small amount of the annual budget to a Community Development Fund, currently at \$7,500. We did this in response to the various requests received from local organizations and charities as a way to dedicate an amount rather than pull indiscriminately from the general fund as each request came to council.

We have granted funds to education scholarships, veterans housing, drug recovery programs, child abuse case advocates, and the like, and we have been glad to do so.

Even with a defined budget line, we have continued to consider requests on a first-come first-serve basis, often granting them at the time of request and checking the balance of the fund as we go along. Last year we granted two large sums totaling \$7,000 within the first month of the year.

I propose that should we continue to have a Community Development Fund line item, at any amount, we structure it as a competitive grant program.

Council would consider all submitted funding requests together, rating them on established criteria, and make disbursements at a preset time. We still could respond to emergency requests, but we also could publicize submittal deadlines to which the community would become accustomed to following. We often have annual requests from certain organizations.

We could divide the available funds into terms; for example, half of the funds available to requests received by May 1 and the other half by November 1 (plus any that may roll over from the first half), with disbursement on June 1 and December 1. This would help avoid any depletion of the fund before other organizations had opportunity to make requests. This also would give council time to more fully consider requests and not be forced into on-the-spot approvals/denials during request presentations at meetings.

Attached is a proposed submission form and proposed criteria with which we could evaluate community development fund requests. I look forward to our discussion on the matter and welcome further suggestions and feedback. Thank you for your consideration!

Village of Whitehouse Community Development Fund Grant Criteria

The Village of Whitehouse Community Development Fund is intended to support nonprofit, charitable, and community-serving organizations, their programs, and their projects that have a direct impact on the wellbeing and betterment of Whitehouse, Ohio, and the surrounding community. Funds are appropriated annually by Whitehouse Village Council and made available in two disbursements each year.

REQUIREMENTS:

Requests must be made by the stated deadline(s) and with submittal of the Request Form. Mailed requests must be postmarked by the deadline.

An organization, agency, or individual is permitted to make only one (1) request for funds each calendar year.

Requesting organizations, agencies, or individuals must have registered nonprofit status; declare charitable recipient of funds; or demonstrate how funds will be used in a not-for-profit manner.

CRITERIA:

Requesting organizations, agencies, or individuals must demonstrate:

- Established presence in the Whitehouse and/or surrounding community;
- Direct impact on the Whitehouse and/or surrounding community;
- Access to the general public and/or equal opportunity to a target audience/clientele

Whitehouse Village Council will consider requests with the aid of the following rating tools:

1: Not at all 2: Somewhat 3: Significantly 4: Fully

How well does the request meet the criteria of the grant program?

How well does the request directly impact the Whitehouse community?

How well does the request directly impact the surrounding community?

How well will the requested grant amount serve the overall organization, project, or program?

Village of Whitehouse Community Development Grant Request

The Village of Whitehouse has made available \$_____ in Community Development Grant Funds for the [first half/second half] of year 2____ for organizations or projects that have direct impact on the wellbeing of our local community. To be considered, please remit the following form no later than [May 1 / November 1] of 2____ to:

Whitehouse Village Council
6925 Providence St.
Whitehouse, OH 43571

Criteria for grant requests are available on the Village's website at <https://whitehouseoh.gov> and at Village Hall at the above address. Priority will be given to requests that demonstrate an impact on the Whitehouse community.

Council will consider requests and announce approvals/denials at public meetings by [June 30 / December 30] of the same calendar year. Disbursement of funds will be made by XXXXXX.

REQUEST FORM

Date of Request: _____

Name of Organization: _____

Address: _____

Contact Person Name: _____

Contact Phone Number: _____

Contact Email: _____

Amount Requested: \$ _____

Name of Project/Program: _____

Please briefly describe: _____

Please briefly answer the following:

How does this organization serve the needs of Whitehouse, Ohio, its residents, its visitors, its businesses, its services, and/or that of the surrounding community?

How is your organization staffed?

How is your organization funded? (Please note primary and ancillary sources of revenue.)

In what specific ways would you use these requested Community Development Grant funds?

(Attach additional responses on separate sheet if necessary.)

Do you have a registered 501(c)(3) number? YES / NO (circle one)

Number: _____

In what other ways do you meet the criteria for the Whitehouse Community Development Grant?

(Attach additional responses on separate sheet if necessary.)

Thank you for submitting your request!

VILLAGE OFFICE USE ONLY:

Date Received: _____

Received By Name: _____

Title: _____

Were additional sheets submitted with Request Form? YES / NO

Were any supplemental materials submitted? YES / NO

VILLAGE COUNCIL USE ONLY:

1: Not at all 2: Somewhat 3: Significantly 4: Fully

How well does the request meet the criteria of the grant program? _____

How well does the request directly impact the Whitehouse community? _____

How well does the request directly impact the surrounding community? _____

How well will the requested amount serve the overall organization, project, or program? _____

Total Score: _____



WHITEHOUSE · OHIO

FIRE DEPARTMENT

Jason Francis
Whitehouse Deputy Fire
Chief

MAYOR
DONALD L. ATKINSON

COUNCIL
LOUANN ARTIAGA
RICHARD BINGHAM
REBECCA CONKLIN KLEIBOEMER
MINDY CURRY
ROBERT KEOGH
WILLIAM MAY

11/29/2021

To Village Council President,

Re: Tent and Membrane Structures

Tent and membrane structures are an important part of everyday life for businesses and residents in Whitehouse, Ohio. Both are popular for weekend events such as garage sales, graduation parties, weddings, and the famous Cherry Fest that is held annually. Tents and membrane structures are regulated by the Ohio Fire Code (OFC) and Ohio Building Code (OBC).

Per the OFC and OBC, tents or membrane structures are allowed to be set up on a property for no more than 180-days per calendar year. After the 180-days has expired, it becomes a building and fire code issue. Currently, the fire department provides permits to residents and business owners that request a tent to be set up and used. As long as the tent or membrane structure meets OFC and OBC requirements, a permit is issued by the fire department.

Some of the properties that have used tents in the past are.

1. Anthony Wayne High School – Homecoming dance.
2. American Legion Post – Concert and beer garden during Cherry Fest.
3. Cherry Fest – Concert and beer garden during Cherry Fest.
4. Whitehouse Inn – Patio during COVID-19
5. Yark Automotive – Tent Sales.
6. Residence – Garage Sales.
7. Residences – Graduation Parties.
8. Residences – Weddings.



WHITEHOUSE · OHIO

FIRE DEPARTMENT

Jason Francis
Whitehouse Deputy Fire
Chief

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MINDY CURRY
ROBERT KEOGH
WILLIAM MAY

Re: Tents and Membranes Continued.

After performing research on other municipalities websites, I found that the municipalities listed on page three allow tents to be placed between 14 days to 180 days per calendar year. Some municipalities even break down tents and membrane structures between residential and commercial properties. According to Thomas Miller, representative with the State Fire Marshalls office, he stated during a phone conversation on November 23, 2021, that Whitehouse is allowed to put stricter stipulations on tents and tent membranes as long as the fire department has a process to inspect tents in place (which we do). According to Toledo Fire's website, a tent that exceeds 400 square feet must have a building permit accompany it before it is erected. This rule aligns with the Ohio Fire Code and Ohio Building Code.

My recommendation is to allow a business or residence to have a tent placed on a property for no more than 14 consecutive days in a 180-day period. Tent permits would still be approved by the fire department and monitored for OFC and OBC issues. If warranted, a citation and penalty will be addressed. By adding this additional stipulation, it may eliminate the possibility that tents are being used in place of a permanent structure that was needed initially.

Regards,

Jason Francis
Deputy Fire Chief



WHITEHOUSE - OHIO

FIRE DEPARTMENT

Jason Francis
Whitehouse Deputy Fire
Chief

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WILLIAM MAY

Re: Tents and Membranes Continued.

Resources

Cincinnati, Ohio

<https://www.cincinnati-oh.gov/buildings/application-forms/all-forms-handouts-checklists-alphabetical-list/tents-informational-handout/>

City of Oxford, Ohio

<https://www.cityofoxford.org/departments/community-development/building-and-zoning-permits/tents/regulations>

Cleveland, Ohio

https://www.clevelandohio.gov/sites/default/files/forms_publications/TentGuidelines.pdf?id=2594

Dayton, Ohio

<https://www.daytonohio.gov/DocumentCenter/View/250/Tent-Permit-Application-PDF?bidId=>

Columbus, Ohio

http://columbus-oh.elaws.us/code/coor_title41_ch4113_sec4113.51

Hamilton County, Ohio

https://plcdn4static.civiclive.com/UserFiles/Servers/Server_3788196/File/Government/Departments/Building%20Inspections/Applications%20and%20Forms/Permit%20Guides/Tents-05.pdf

Toledo, Ohio

<http://www.toledofirerescue.com/bureaus/fire-prevention-bureau/>

(H) SECTION 108 APPEAL OF ORDERS

(1) **108.1 Appeals of orders.** Citations and orders issued by the fire code official relative to the application of this code may be appealed by the responsible person to the state board of building appeals in accordance with the provisions of Chapters 3737. and 3781. of the Revised Code including sections 3737.43 and 3781.19 of the Revised Code.

(I) SECTION 109 VIOLATIONS

(1) **109.1 Unlawful acts.** It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

(a) **109.1.1 Imminent hazards.** Conditions or practices in any building or upon any premises which violate the state fire code and are such that a fire or explosion hazard exists which could reasonably and imminently be expected to cause death or serious physical harm shall be addressed in accordance with section 3737.44 of the Revised Code, including obtaining the authorization of the state fire marshal or chief deputy state fire marshal prior to the issuance of any oral orders directing that a building or premises be vacated immediately.

(b) **109.1.2 Distinct hazards.** Structural conditions constituting a distinct hazard as described in paragraph (B)(1)(a)(iii)(102.1.1) of this rule shall, in addition to other remedies authorized by sections 3737.41 through 3737.51 of the Revised Code, be resolved through the issuance of a citation in accordance with section 3737.42 of the Revised Code. As described in paragraph (B)(1)(a)(iii)(102.1.1) of this rule, such a citation may require the application of the construction and design provisions of this code to an existing structure or condition, regardless of whether such location is in substantial compliance with the applicable version of the building code listed in 1301:7-7-80 of the Administrative Code.

(c) **109.1.3 Serious hazards.** If the state fire marshal, assistant state fire marshal, or certified fire safety inspector, upon examination or inspection, finds either of the following:

- (i) a structure, premise or location to be a "serious hazard" as that term is defined in this code; or
- (ii) the conditions at such structure, premise or location constitute a violation of, or require the application of paragraphs (G)(6)(107.6) of this rule, (A)(7)(901.7) of rule 1301:7-7-09 of the Administrative Code or (A)(2)(1001.2) of rule 1301:7-7-10 of the Administrative Code to such places;

the state fire marshal, assistant state fire marshal, or certified fire safety inspector is authorized to verbally order or order in writing, on a form approved by the state fire marshal, the structure, premise or location to comply with the fire code, including as described in paragraphs (G)(6)(107.6) of this rule, (A)(7)(901.7) of rule 1301:7-7-

09 of the Administrative Code or (A)(2)(1001.2) of rule 1301:7-7-10 of the Administrative Code, or otherwise abate the conditions causing the serious hazard.

(d) **109.1.4.** After issuance, verbal orders shall forthwith be reduced to writing on a form proscribed by the state fire marshal. Once written, all orders under this paragraph shall be provided to the responsible person and prominently posted by the responsible person at the hazard site at a location observable by any members of the public at, or by any emergency responders to, the site. If no responsible person can readily be identified, the fire code official shall post the written orders at the site. Failure to comply with an order issued under this paragraph is a violation of this code. All orders issued under this section shall be converted to a citation pursuant to section 3737.42 of the Revised Code as soon as is practicable and shall include a reference to this section (so that a responsible person may appeal such order and associated code violations in accordance with section 3737.43 of the Revised Code). If the state fire marshal, assistant state fire marshal, or certified fire safety inspector withdraws, modifies or cancels an order under this section, such official shall immediately provide written notification to the responsible person on a form proscribed by the state fire marshal.

(e) **109.1.5 General fire code enforcement (R.C. 3737.42 (A)).** If upon inspection or investigation, the state fire marshal, an assistant state fire marshal, or a certified fire safety inspector believes that the state fire code or associated order has been violated, including for a distinct or serious hazard, the state fire marshal, assistant state fire marshal, or certified fire safety inspector shall issue a citation to the responsible person in accordance with section 3737.42 (A) of the Revised Code and paragraph (I)(4)(109.4) of this rule.

(i) **109.1.5.1 Minor hazards (R.C. 3737.42 (B)).** If a violation of this code has no direct or immediate relationship to safety or health, the state fire marshal, assistant state fire marshal, or the certified fire safety inspector may issue a notice in lieu of a citation with respect to such de minimis violation in accordance with section 3737.42(B) of the Revised Code and paragraph (I)(2)(109.2) of this rule. If such violations are not remedied within the time frame established by the fire code official, such official may issue a citation in accordance with section 3737.42(A) of the Revised Code.

(a) **109.1.5.1.1 Notice of de minimis violation.** In accordance with section 3737.42 (B), when the fire code official finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, but such a violation has no direct or immediate relationship to safety or health, the fire code official is authorized to prepare a written notice of de minimis violation describing the conditions deemed unsafe and, when compliance is not immediate, specifying a time for reinspection.

(b) **109.1.5.1.2 Service.** A notice of de minimis violation issued pursuant to this code shall be served upon the owner, the owner's authorized agent, oper-

ator, occupant or other person responsible for the condition or violation, either by personal service, mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the owner, the owner's authorized agent or occupant.

(c) **109.1.5.1.3 Compliance with orders and notices.** A notice of de minimis violation issued or served as provided by this code shall be complied with by the owner, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

(d) **109.1.5.1.4 Remedies for noncompliance.** If the notice of violation is not complied with within the specified period of abatement, the fire code official is authorized to take further enforcement actions in accordance with paragraph (I)(4)(109.4) of this rule or to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation of this code or of the order or direction made pursuant hereto.

(e) **109.1.5.1.5 Unauthorized tampering.** Signs, tags or seals posted or affixed by the fire code official shall not be mutilated, destroyed or tampered with, or removed, without authorization from the fire code official.

(f) **109.1.6 Enforcement to remedy dangerous conditions.** If the state fire marshal, assistant state fire marshal, or certified fire safety inspector, upon examination or inspection, finds a building or other structure especially liable to fire or endangers life or other buildings or property, or finds a building or any premises with combustible, explosive or flammable materials which are dangerous to the safety of persons or finds any structure, tank, container or vehicle used for the storage, handling or transportation of flammable or combustible materials to be dangerous to the safety of persons, the state fire marshal, assistant state fire marshal, or certified fire safety inspector shall issue a citation in accordance with section 3737.41 of the Revised Code and paragraph (I)(4)(109.4) of this rule. Nothing in this paragraph shall be construed as prohibiting or limiting a fire code official's ability to take any other enforcement actions authorized by chapter 3737. of the Revised Code, including issuance of citation pursuant to section 3737.42 of the Revised Code.

(2) **109.2 Owner/occupant responsibility.** Correction and abatement of violations of this code shall be the responsibility of the owner or responsible person. If an occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant shall also be held responsible for the abatement of such hazardous conditions.

(3) **109.3 Citations and notices of hearing.** Issuance and enforcement of citations and orders are regulated by sections 3737.41 to 3737.46 of the Revised Code. Citations, orders and notices of hearing shall be issued in accordance with this paragraph and Chapter 119. of the Revised Code.

(a) **109.3.1 Form of citation.** Every citation and notice of hearing shall be in writing.

(b) **109.3.2 Citation requirements.** Every citation shall be issued in accordance with section 3737.41 or 3737.42 of the Revised Code.

Each citation issued under section 3737.42 of the Revised Code shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the state fire code or associated order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the violation. When the citation is issued by a certified fire safety inspector or an assistant fire marshal, a copy of the citation shall be furnished to the fire marshal.

(c) **109.3.3 Posting of citation by responsible party.** For each citation issued under section 3737.42 of the Revised Code, a copy or copies of the citation shall be prominently posted by the responsible person at or near each place a violation referred to in the citation occurs and shall be clearly visible to any member of the public that enters a structure or premises that is subject to the citation. Citations shall remain posted until dismissed, the state board of building appeals authorizes the removal of the posted citation or all of the hazardous conditions in the citation are verified by the issuing agency as being remedied. If a responsible party refuses or is unable to post a citation, the fire code official is authorized to post citations issued by that authority at a location clearly visible to any member of the public that enters a structure or premises that is subject to the citation.

(d) **109.3.4 Notice of appeal.** Every responsible person issued a citation under section 3737.41 or 3737.42 of the Revised Code shall be given, as provided by section 3737.43 of the Revised Code and within a reasonable time after such inspection or investigation and in accordance with Chapter 119. of the Revised Code, notice of the citation and penalty, if any, proposed to be assessed under section 3737.51 of the Revised Code, and of the responsible person's right to appeal the citation and penalty, under Chapter 119. of the Revised Code, to the state board of building appeals established under section 3781.19 of the Revised Code within thirty days after receipt of the notice.

(e) **109.3.5 Service of citations.** Every citation and notice of hearing shall be delivered in accordance with section 119.07 of the Revised Code. Every citation and notice of hearing shall be delivered by registered mail, return receipt requested and a copy of the notice shall be mailed to attorneys or other representatives of record representing the party. When any notice sent by registered mail, as required by sections 119.01 to 119.13 of the Revised Code, is returned because the party fails to claim the notice, the agency shall send the notice by ordinary mail to the party at the party's last known address and shall obtain a certificate of mailing. Service by ordinary mail is complete

when the certificate of mailing is obtained unless the notice is returned showing failure of delivery.

If any notice sent by registered or ordinary mail is returned for failure of delivery, the agency either shall make personal delivery of the notice by an employee or agent of the agency or shall cause a summary of the substantive provisions of the notice to be published once a week for three consecutive weeks in a newspaper of general circulation in the county where the last known address of the party is located. When notice is given by publication, a proof of publication affidavit, with the first publication of the notice set forth in the affidavit, shall be mailed by ordinary mail to the party at the party's last known address and the notice shall be deemed received as of the date of the last publication. An employee or agent of the agency may make personal delivery of the notice upon a party at any time.

(4) 109.4 Civil penalties for violations of the Ohio Fire Code. Penalties are specified in Sections 3737.51 and 3737.99 of the Revised Code. In accordance with section 3737.51 of the Revised Code, the fire code official may propose a civil penalty for each violation of this code as follows:

1. Any person who has received a citation for a serious violation of the fire code or any order issued pursuant to it, shall be assessed a civil penalty of not more than one thousand dollars for each such violation.
2. Any person who has received a citation for a violation of the fire code or any order issued pursuant to it, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of not more than one thousand dollars for each such violation.
3. Any person who fails to correct a violation for which a citation has been issued within the period permitted for its correction, may be assessed a civil penalty of not more than one thousand dollars for each day during which such failure or violation continues.
4. Any person who violates any of the posting requirements, as prescribed by division (C) of Section 3737.42 of the Revised Code, shall be assessed a civil penalty of not more than one thousand dollars for each violation.

(a) 109.4.1 Appropriateness of penalty. Due consideration to the appropriateness of the penalty with respect to the gravity of the violation, the good faith of the person being charged, and the history of previous violations shall be given whenever a penalty is assessed under this chapter.

(b) 109.4.2 Serious violation. For purposes of this section, a serious violation shall be considered to exist if there is a substantial probability that an occurrence causing death or serious physical harm to persons could result from a condition which exists, or from one or more practices, means, methods, operations or processes which have been adopted or are in use, unless the person did not and

could not with the exercise of reasonable diligence, know of the presence of the violation.

(c) 109.4.3 Payment of civil penalties. Civil penalties imposed by this chapter shall be paid to the fire marshal for deposit into the general revenue fund. Such penalties may be recovered in a civil action in the name of the state brought in the court of common pleas of the county where the violation is alleged to have occurred.

(J) SECTION 110 UNSAFE BUILDINGS

(1) 110.1 General. If during the inspection of a premises, the fire code official finds a building or structure or any building system, in whole or in part, constitutes a dangerous condition described in division (A), (B) or (C) of section 3737.41 of the Revised Code, the fire code official shall issue such citation and orders to remove or remedy the conditions as shall be deemed necessary in accordance with Section 3737.41 of the Revised Code and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required. Nothing in this paragraph shall be construed as prohibiting or limiting a fire code official's ability to take any other enforcement actions authorized by Chapter 3737. of the Revised Code, including issuance of citation pursuant to Section 3737.42 of the Revised Code.

(a) 110.1.1 Unsafe conditions. Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure that is not secured against unauthorized entry as required by paragraph (K)(311) of rule 1301:7-7-03 of the Administrative Code shall be deemed unsafe.

(i) If the fire code official finds an unsafe condition as described in this paragraph that is especially liable to fire or endangers life or other buildings or property, such fire code official shall issue a citation and order that the responsible person take all necessary remedial actions as required by Section 3737.41 of the Revised Code.

(ii) If the fire code official finds an unsafe condition as described in this paragraph that violates specific provisions of this code, such fire code official shall take such enforcement actions as provided for in this rule including but not limited to, the issuance of a citation pursuant to Section 3737.42 of the Revised Code.

(b) 110.1.2 Structural hazards. Where an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices governed by this code, the fire code official shall immediately notify the building code official in accordance with paragraph (J)(1)(110.1) of this rule.

(K) SECTION 111 STOP WORK ORDER

(1) **111.1 Order.** Whenever the fire code official finds any work relating to the fire prevention provisions of Chapters 3781. and 3791. of the Revised Code or work subject to paragraph (D)(2)(a)(104.2.1) of this rule contrary to the approved plans or work otherwise regulated by this code being performed in a manner contrary to the provisions of the Revised Code or this code, in a dangerous or unsafe manner, the fire code official is authorized, subject to paragraph (D)(2)(b)(104.2.2) of this rule, to issue a stop work order in accordance with section 3781.031 of the Revised Code or this code.

(2) **111.2 Issuance.** A stop work order shall be issued in accordance with section 3737.42 of the Revised Code, be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person doing the work and a copy shall be provided to the building official having jurisdiction. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work is authorized to resume.

(3) **111.3 Emergencies.** Where an emergency exists, meeting the definition of an imminent hazard as described in section 3737.44 of the Revised Code, the fire code official shall not be required to give a written notice prior to stopping the work, provided that the stop work order is issued in accordance with sections 3737.44 and 3737.46 of the Revised Code.

(4) **111.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties in accordance with paragraph (I)(4)(109.4) of this rule or other applicable laws, rules and regulations.

(L) SECTION 112 STATE FIRE MARSHAL PERMITS AND INSPECTION FEES

(1) **112.1 Permit fees.** The fee for all permits issued by the state fire marshal shall be seventy-five dollars unless specifically indicated otherwise in this code.

Exceptions:

1. If a manufacturer or wholesaler of fireworks has paid an original or a renewal licensure application fee in accordance with paragraph (Q)(1)(5617.1) of rule 1301:7-7-56 of the Administrative Code, then the manufacturer or wholesaler of fireworks is not required to pay a fee for the Class 1 magazine storage permit required by paragraph (E)(1)(a)(i)(a)(105.1.1.1.1) of this rule.
2. A permit fee is not required for the construction of a temporary membrane structure or tent erected on state property.

(a) **112.1.1 Fees for multiple permits.** When multiple permits are applied for to the state fire marshal for a specific event or approved construction at the same location, such

permit application may be consolidated into a single permit application. The total fees otherwise required for such multiple permits may be consolidated into a single fee, which may be reduced at the discretion of the state fire marshal in an amount proportionate to the corresponding inspection activity.

(2) **112.2 Construction inspection fees.** The state fire marshal shall require new construction inspection fees as follows:

- (a) Initial inspection fee of two hundred dollars.
- (b) Re-inspection fee of fifty dollars.
- (c) First follow-up inspection fee of one hundred dollars.
- (d) Second follow-up inspection fee of one hundred-fifty dollars.
- (e) Third follow-up inspection fee of two hundred dollars.
- (f) Fourth follow-up inspection fee of three hundred dollars.
- (g) Subsequent follow-up inspection fees are increased in fifty dollar increments.

(3) **112.3 Fire safety inspection fees.** The state fire marshal shall require fire safety inspection fees for all other inspections as follows:

- (a) Inspection fee of one hundred dollars.
- (b) First re-inspection fee of fifty dollars.
- (c) Second re-inspection fee of seventy-five dollars.
- (d) Subsequent re-inspection fees are increased in fifty-dollar increments.

Exceptions:

1. The inspection fee for the initial inspection conducted pursuant to the application for any license issued by the state fire marshal shall be included in the application fee.
2. Fire safety inspection fees for child daycare and child foster homes caring for eleven or fewer children shall be fifty dollars.
3. Fire safety inspection fees for the storage of explosives and explosive materials are waived for storage facilities located on a licensed premises pursuant to Chapter 3743. of the Revised Code and rule 1301:7-7-56 of the Administrative Code.

(M) SECTION 113 AMENDMENTS TO THE FIRE CODE

(1) **113.1.** When any person desires to petition the state fire marshal to adopt, amend or rescind a provision of this code, such person shall file on a format prescribed by the state fire marshal the petition with the state fire marshal.

113.1.1 The adoption, amendment or rescission of any provision of this code shall be accomplished according to Chapter 119 and Sections 3737.82 and 3737.86 of the Revised Code.

(2) **113.2.** The petition shall include the following:

- (a) The date the petition is submitted;

TENTS AND OTHER MEMBRANE STRUCTURES

(A) SECTION 3101 GENERAL

(1) **3101.1 Scope.** Tents, temporary stage canopies and membrane structures shall comply with this *rule*. The provisions of *paragraph (C)(3103) of this rule* are applicable only to temporary tents and membrane structures. The provisions of *paragraph (D)(3104) of this rule* are applicable to temporary and permanent tents and membrane structures. Other temporary structures shall comply with the *building code as listed in rule 1301:7-7-80 of the Administrative Code*.

(B) SECTION 3102 DEFINITIONS

(1) **3102.1 Definitions.** The following terms are defined in *rule 1301:7-7-02 of the Administrative Code*.

“Air-inflated structure.”

“Air-supported structure.”

“Membrane structure.”

“Temporary stage canopy.”

“Tent.”

(C) SECTION 3103 TEMPORARY TENTS AND MEMBRANE STRUCTURES

(1) **3103.1 General.** Tents and membrane structures used for temporary periods shall comply with this *paragraph*. Other temporary structures erected for a period of 180 days or less shall comply with the *building code as listed in rule 1301:7-7-80 of the Administrative Code*.

(2) **3103.2 Approval required.** Tents and membrane structures having an area in excess of 400 square feet (37 m²) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.

Exceptions:

1. Tents used exclusively for recreational camping purposes
2. Tents open on all sides which comply with all of the following:
 - 2.1. Individual tents having a maximum size of 700 square feet (65 m²).
 - 2.2. The aggregate area of multiple tents placed side by side without a fire break clearance of 12 feet (3658 mm), not exceeding 700 square feet (65 m²) total.
 - 2.3. A minimum clearance of 12 feet (3658 mm) to all structures and other tents.

(3) **3103.3 Place of assembly.** For the purposes of this *rule*, a place of assembly shall include a circus, carnival, tent show, theater, skating rink, dance hall or other place of assembly in or under which persons gather for any purpose.

(4) **3103.4 Permits.** Permits shall be required as set forth in *rule 1301:7-7-01 of the Administrative Code*.

(5) **3103.5 Use period.** Temporary tents, air-supported, air-inflated or tensioned membrane structures shall not be erected for a period of more than 180 days within a 12-month period on a single premises.

(6) **3103.6 Construction documents.** A detailed site and floor plan for tents or membrane structures with an occupant load of 50 or more shall be provided with each application for approval. The tent or membrane structure floor plan shall indicate details of the means of egress facilities, seating capacity, arrangement of the seating and location and type of heating and electrical equipment.

(7) **3103.7 Inspections.** The entire tent, air-supported, air-inflated or tensioned membrane structure system shall be inspected at regular intervals, but not less than two times per permit use period, by the permittee, owner or agent to determine that the installation is maintained in accordance with this *rule*.

Exception: Permit use periods of less than 30 days.

(a) **3103.7.1 Inspection report.** Where required by the fire code official, an inspection report shall be provided and shall consist of maintenance, anchors and fabric inspections.

(8) **3103.8 Access, location and parking.** Access, location and parking for temporary tents and membrane structures shall be in accordance with this *paragraph*.

(a) **3103.8.1 Access.** Fire apparatus access roads shall be provided in accordance with *paragraph (C)(503) of rule 1301:7-7-05 of the Administrative Code*.

(b) **3103.8.2 Location.** Tents or membrane structures shall not be located within 20 feet (6096 mm) of lot lines, buildings, other tents or membrane structures, parked vehicles or internal combustion engines. For the purpose of determining required distances, support ropes and guy wires shall be considered as part of the temporary membrane structure or tent.

Exceptions:

1. Separation distance between membrane structures and tents not used for cooking is not required where the aggregate floor area does not exceed 15,000 square feet (1394 m²).
2. Membrane structures or tents need not be separated from buildings when all of the following conditions are met:

TENTS AND OTHER MEMBRANE STRUCTURES

- 2.1. The aggregate floor area of the membrane structure or tent shall not exceed 10,000 square feet (929 m²).
- 2.2. The aggregate floor area of the building and membrane structure or tent shall not exceed the allowable floor area including increases as indicated in the *building code as listed in rule 1301:7-7-80 of the Administrative Code*.
- 2.3. Required means of egress are provided for both the building and the membrane structure or tent, including travel distances.
- 2.4. Fire apparatus access roads are provided in accordance with *paragraph (C)(503) of rule 1301:7-7-05 of the Administrative Code*.

(c) **3103.8.3 Location of structures in excess of 15,000 square feet in area.** Membrane structures having an area of 15,000 square feet (1394 m²) or more shall be located not less than 50 feet (15 240 mm) from any other tent or structure as measured from the sidewall of the tent or membrane structure unless joined together by a corridor.

(d) **3103.8.4 Membrane structures on buildings.** Membrane structures that are erected on buildings, balconies, decks or other structures shall be regulated as permanent membrane structures in accordance with Section 3102 of the *building code as listed in rule 1301:7-7-80 of the Administrative Code*.

(e) **3103.8.5 Connecting corridors.** Tents or membrane structures are allowed to be joined together by means of corridors. Exit doors shall be provided at each end of such corridor. On each side of such corridor and approximately opposite each other, there shall be provided openings not less than 12 feet (3658 mm) wide.

(f) **3103.8.6 Fire break.** An unobstructed fire break passageway or fire road not less than 12 feet (3658 mm) wide and free from guy ropes or other obstructions shall be maintained on all sides of all tents and membrane structures unless otherwise approved by the fire code official and the *building code official in accordance with the applicable requirements of the building code as listed in rule 1301:7-7-80 of the Administrative Code*.

(9) **3103.9 Anchorage required.** Tents or membrane structures and their appurtenances shall be adequately roped, braced and anchored to withstand the elements of weather and prevent against collapsing. Documentation of structural stability shall be furnished to the fire code official on request.

(a) **3103.9.1 Tents and membrane structures exceeding one story.** Tents and membrane structures exceeding one story shall be designed and constructed to comply with chapter 16 of the *building code as listed in rule 1301:7-7-80 of the Administrative Code*.

(10) **3103.10 Temporary air-supported and air-inflated membrane structures.** Temporary air-supported and air-inflated membrane structures shall be in accordance with *paragraphs (C)(10)(a)(3103.10.1) to (C)(10)(d)(3103.10.4) of this rule*.

(a) **3103.10.1 Door operation.** During high winds exceeding 50 miles per hour (22 m/s) or in snow conditions, the use of doors in air-supported structures shall be controlled to avoid excessive air loss. Doors shall not be left open.

(b) **3103.10.2 Fabric envelope design and construction.** Air-supported and air-inflated structures shall have the design and construction of the fabric envelope and the method of anchoring in accordance with "Architectural Fabric Structures Institute" ASI 77 as listed in *rule 1301:7-7-80 of the Administrative Code*.

(c) **3103.10.3 Blowers.** An air-supported structure used as a place of assembly shall be furnished with not less than two blowers, each of which has adequate capacity to maintain full inflation pressure with normal leakage. The design of the blower shall be so as to provide integral limiting pressure at the design pressure specified by the manufacturer.

(d) **3103.10.4 Auxiliary power.** Places of public assembly for more than 200 persons shall be furnished with an auxiliary inflation system capable of powering a blower with the capacity to maintain full inflation pressure with normal leakage in accordance with *paragraph (C)(10)(c)(3103.10.3) of this rule* for a minimum duration of 4 hours. The auxiliary inflation system shall be either a fully automatic auxiliary engine-generator set or a supplementary blower powered by an internal combustion engine that shall be automatic in operation. The system shall be capable of automatically operating the required blowers at full power within 60 seconds of a commercial power failure.

(11) **3103.11 Seating arrangements.** Seating in tents or membrane structures shall be in accordance with *rule 1301:7-7-10 of the Administrative Code*.

(12) **3103.12 Means of egress.** Means of egress for temporary tents and membrane structures shall be in accordance with *paragraphs (C)(12)(a)(3103.12.1) to (C)(12)(h)(3103.12.8) of this rule*.

(a) **3103.12.1 Distribution.** Exits shall be spaced at approximately equal intervals around the perimeter of the tent or membrane structure, and shall be located such that all points are 100 feet (30 480 mm) or less from an exit.

(b) **3103.12.2 Number.** Tents or membrane structures or a usable portion thereof shall have not less than one exit and not less than the number of exits required by Table 3103.12.2 of *this rule*. The total width of means of egress in inches (mm) shall be not less than the total occupant load served by a means of egress multiplied by 0.2 inches (5 mm) per person.

TABLE 3103.12.2
MINIMUM NUMBER OF MEANS OF EGRESS AND
MEANS OF EGRESS WIDTHS FROM TEMPORARY
MEMBRANE STRUCTURES AND TENTS

OCCUPANT LOAD	MINIMUM NUMBER OF MEANS OF EGRESS	MINIMUM WIDTH OF EACH MEANS OF EGRESS (inches)	MINIMUM WIDTH OF EACH MEANS OF EGRESS (inches)
		Tent	Membrane structure
10 to 199	2	72	36
200 to 499	3	72	72
500 to 999	4	96	72
1,000 to 1,999	5	120	96
2,000 to 2,999	6	120	96
Over 3,000 ^a	7	120	96

For SI: 1 inch = 25.4 mm.

a. When the occupant load exceeds 3,000, the total width of means of egress (in inches) shall be not less than the total occupant load multiplied by 0.2 inches per person.

(c) **3103.12.3 Exit openings from tents.** Exit openings from tents shall remain open unless covered by a flame-resistant curtain. The curtain shall comply with the following requirements:

- (i) Curtains shall be free sliding on a metal support. The support shall be not less than 80 inches (2032 mm) above the floor level at the exit. The curtains shall be so arranged that, when open, no part of the curtain obstructs the exit.
- (ii) Curtains shall be of a color, or colors, that contrasts with the color of the tent.

(d) **3103.12.4 Doors.** Exit doors shall swing in the direction of exit travel. To avoid hazardous air and pressure loss in air-supported membrane structures, such doors shall be automatic closing against operating pressures. Opening force at the door edge shall not exceed 15 pounds (66 N).

(e) **3103.12.5 Aisle.** The width of aisles without fixed seating shall be in accordance with the following:

1. In areas serving employees only, the minimum aisle width shall be 24 inches (610 mm) but not less than the width required by the number of employees served.
2. In public areas, smooth-surfaced, unobstructed aisles having a minimum width of not less than 44 inches (1118 mm) shall be provided from seating areas, and aisles shall be progressively increased in width to provide, at all points, not less than 1 foot (305 mm) of aisle width for each 50 persons served by such aisle at that point.

(i) **3103.12.5.1 Arrangement and maintenance.** The arrangement of aisles shall be subject to approval by the fire code official and shall be maintained clear at all times during occupancy.

(f) **3103.12.6 Exit signs.** Exits shall be clearly marked. Exit signs shall be installed at required exit doorways and where otherwise necessary to indicate clearly the direction of egress where the exit serves an occupant load of 50 or more.

(i) **3103.12.6.1 Exit sign illumination.** Exit signs shall be either listed and labeled in accordance with UL 924 as listed in rule 1301:7-7-80 of the Administrative Code as the internally illuminated type and used in accordance with the listing or shall be externally illuminated by luminaires supplied in either of the following manners:

- (a) Two separate circuits, one of which shall be separate from all other circuits, for occupant loads of 300 or less.
- (b) Two separate sources of power, one of which shall be an approved emergency system, shall be provided where the occupant load exceeds 300. Emergency systems shall be supplied from storage batteries or from the on-site generator set, and the system shall be installed in accordance with NFPA 70 as listed in rule 1301:7-7-80 of the Administrative Code. The emergency system provided shall have a minimum duration of 90 minutes when operated at full design demand.

(g) **3103.12.7 Means of egress illumination.** Means of egress shall be illuminated with light having an intensity of not less than 1 foot-candle (11 lux) at floor level while the structure is occupied. Fixtures required for means of egress illumination shall be supplied from a separate circuit or source of power.

(h) **3103.12.8 Maintenance of means of egress.** The required width of exits, aisles and passageways shall be maintained at all times to a public way. Guy wires, guy ropes and other support members shall not cross a means of egress at a height of less than 8 feet (2438 mm). The surface of means of egress shall be maintained in an approved manner.

(D) SECTION 3104 TEMPORARY AND PERMANENT TENTS AND MEMBRANE STRUCTURES

(1) **3104.1 General.** All tents and membrane structures, both temporary and permanent, shall be in accordance with this paragraph. Permanent tents and membrane structures shall also comply with the building code as listed in rule 1301:7-7-80 of the Administrative Code.

(2) **3104.2 Flame propagation performance treatment.** Before a permit is granted, the owner or agent shall file with the fire code official a certificate executed by an approved testing laboratory certifying that the tents and membrane structures and their appurtenances; sidewalls, drops and tarpaulins; floor coverings, bunting and combustible decorative materials and effects, including sawdust where used on floors or passageways, are composed of material meeting the flame propagation performance criteria of Test Method 1 or Test

TENTS AND OTHER MEMBRANE STRUCTURES

Method 2, as appropriate, of NFPA 701 as listed in rule 1301:7-7-80 of the Administrative Code or shall be treated with a flame retardant in an approved manner and meet the flame propagation performance criteria of Test Method 1 or Test Method 2, as appropriate, of NFPA 701 as listed in rule 1301:7-7-80 of the Administrative Code, and that such flame propagation performance criteria are effective for the period specified by the permit.

(3) **3104.3 Label.** Membrane structures or tents shall have a permanently affixed label bearing the identification of size and fabric or material type.

(4) **3104.4 Certification.** An affidavit or affirmation shall be submitted to the fire code official and a copy retained on the premises on which the tent or air-supported structure is located. The affidavit shall attest to all of the following information relative to the flame propagation performance criteria of the fabric:

- (a) Names and address of the owners of the tent or air-supported structure.
- (b) Date the fabric was last treated with flame-retardant solution.
- (c) Trade name or kind of chemical used in treatment.
- (d) Name of person or firm treating the material.
- (e) Name of testing agency and test standard by which the fabric was tested.

(5) **3104.5 Combustible materials.** Hay, straw, shavings or similar combustible materials shall not be located within any tent or membrane structure containing an assembly occupancy, except the materials necessary for the daily feeding and care of animals. Sawdust and shavings utilized for public performance or exhibit shall not be prohibited provided the sawdust and shavings are kept damp. Combustible materials shall not be permitted under stands or seats at any time.

(6) **3104.6 Smoking.** Smoking shall not be permitted in tents or membrane structures. Approved "No Smoking" signs shall be conspicuously posted in accordance with paragraph (J)(310) of rule 1301:7-7-03 of the Administrative Code.

(7) **3104.7 Open or exposed flame.** Open flame or other devices emitting flame, fire or heat or any flammable or combustible liquids, gas, charcoal or other cooking device or any other unapproved devices shall not be permitted inside or located within 20 feet (6096 mm) of the tent or membrane structures while open to the public unless approved by the fire code official.

(8) **3104.8 Fireworks.** Fireworks shall not be used within 100 feet (30 480 mm) of tents or membrane structures.

(9) **3104.9 Spot lighting.** Spot or effect lighting shall only be by electricity, and all combustible construction located within 6 feet (1829 mm) of such equipment shall be protected with approved noncombustible insulation not less than 9¹/₄ inches (235 mm) thick.

(10) **3104.10 Safety film.** Motion pictures shall not be displayed in tents or membrane structures unless the motion picture film is safety film.

(11) **3104.11 Clearance.** There shall be a minimum clearance of at least 3 feet (914 mm) between the fabric envelope and all contents located inside membrane structures.

(12) **3104.12 Portable fire extinguishers.** Portable fire extinguishers shall be provided as required by paragraph (F)(906) of rule 1301:7-7-09 of the Administrative Code.

(13) **3104.13 Fire protection equipment.** Fire hose lines, water supplies and other auxiliary fire equipment shall be maintained at the site in such numbers and sizes as required by the fire code official.

(14) **3104.14 Occupant load factors.** The occupant load allowed in an assembly structure, or portion thereof, shall be determined in accordance with rule 1301:7-7-10 of the Administrative Code.

(15) **3104.15 Heating and cooking equipment.** Heating and cooking equipment shall be in accordance with paragraphs (D)(15)(a)(3104.15.1) to (D)(15)(g)(3104.15.7) of this rule.

(a) **3104.15.1 Installation.** Heating or cooking equipment, tanks, piping, hoses, fittings, valves, tubing and other related components shall be installed as specified in the mechanical code and the International Fuel Gas Code as listed in rule 1301:7-7-80 of the Administrative Code, and shall be approved by the fire code official and the building code official in accordance with the applicable requirements of the building code as listed in rule 1301:7-7-80 of the Administrative Code.

(b) **3104.15.2 Venting.** Gas, liquid and solid fuel-burning equipment designed to be vented shall be vented to the outside air as specified in the International Fuel Gas Code and the mechanical code as listed in rule 1301:7-7-80 of the Administrative Code. Such vents shall be equipped with approved spark arresters where required. Where vents or flues are used, all portions of the tent or membrane structure shall be not less than 12 inches (305 mm) from the flue or vent.

(c) **3104.15.3 Location.** Cooking and heating equipment shall not be located within 10 feet (3048 mm) of exits or combustible materials.

(d) **3104.15.4 Operations.** Operations such as warming of foods, cooking demonstrations and similar operations that use solid flammables, butane or other similar devices which do not pose an ignition hazard, shall be approved.

(e) **3104.15.5 Cooking tents.** Tents with sidewalls or drops where cooking is performed shall be separated from other tents or membrane structures by not less than 20 feet (6096 mm).

(f) **3104.15.6 Outdoor cooking.** Outdoor cooking that produces sparks or grease-laden vapors shall not be performed within 20 feet (6096 mm) of a tent or membrane structure.

(g) **3104.15.7 Electrical heating and cooking equipment.** Electrical cooking and heating equipment shall comply with NFPA 70 as listed in rule 1301:7-7-80 of the Administrative Code.

(16) **3104.16 LP-gas.** The storage, handling and use of LP-gas and LP-gas equipment shall be in accordance with para-

graphs (D)(16)(a)(3104.16.1) to (D)(16)(c)(3104.16.3) of this rule.

(a) **3104.16.1 General.** LP-gas equipment such as tanks, piping, hoses, fittings, valves, tubing and other related components shall be approved and in accordance with rule 1301:7-7-61 of the Administrative Code and with the International Fuel Gas Code as listed in rule 1301:7-7-80 of the Administrative Code.

(b) **3104.16.2 Location of containers.** LP-gas containers shall be located outside. Safety release valves shall be pointed away from the tent or membrane structure.

(i) **3104.16.2.1 Containers 500 gallons or less.** Portable LP-gas containers with a capacity of 500 gallons (1893 L) or less shall have a minimum separation between the container and structure not less than 10 feet (3048 mm).

(ii) **3104.16.2.2 Containers more than 500 gallons.** Portable LP-gas containers with a capacity of more than 500 gallons (1893 L) shall have a minimum separation between the container and structures not less than 25 feet (7620 mm).

(iii) **3104.16.2.3 Protection and security.** Portable LP-gas containers, piping, valves and fittings that are located outside and are being used to fuel equipment inside a tent or membrane structure shall be adequately protected to prevent tampering, damage by vehicles or other hazards and shall be located in an approved location. Portable LP-gas containers shall be securely fastened in place to prevent unauthorized movement.

(17) **3104.17 Flammable and combustible liquids.** The storage of flammable and combustible liquids and the use of flammable-liquid-fueled equipment shall be in accordance with paragraphs (D)(17)(a)(3104.17.1) to (D)(17)(c) (3104.17.3) of this rule.

(a) **3104.17.1 Use.** Flammable-liquid-fueled equipment shall not be used in tents or membrane structures.

(b) **3104.17.2 Flammable and combustible liquid storage.** Flammable and combustible liquids shall be stored outside in an approved manner not less than 50 feet (15 240 mm) from tents or membrane structures. Storage shall be in accordance with rule 1301:7-7-57 of the Administrative Code.

(c) **3104.17.3 Refueling.** Refueling shall be performed in an approved location not less than 20 feet (6096 mm) from tents or membrane structures.

(18) **3104.18 Display of motor vehicles.** Liquid- and gas-fueled vehicles and equipment used for display within tents or membrane structures shall be in accordance with paragraphs (D)(18)(a)(3104.18.1) to (D)(18)(e)(iii)(3104.18.5.3) of this rule.

(a) **3104.18.1 Batteries.** Batteries shall be disconnected in an appropriate manner.

(b) **3104.18.2 Fuel.** Vehicles or equipment shall not be fueled or defueled within the tent or membrane structure.

(i) **3104.18.2.1 Quantity limit.** Fuel in the fuel tank shall not exceed one-quarter of the tank capacity or 5 gallons (19 L), whichever is less.

(ii) **3104.18.2.2 Inspection.** Fuel systems shall be inspected for leaks.

(iii) **3104.18.2.3 Closure.** Fuel tank openings shall be locked and sealed to prevent the escape of vapors.

(c) **3104.18.3 Location.** The location of vehicles or equipment shall not obstruct means of egress.

(d) **3104.18.4 Places of assembly.** When a compressed natural gas (CNG) or liquefied petroleum gas (LP-gas) powered vehicle is parked inside a place of assembly, all the following conditions shall be met:

(i) The quarter-turn shutoff valve or other shutoff valve on the outlet of the CNG or LP-gas container shall be closed and the engine shall be operated until it stops. Valves shall remain closed while the vehicle is indoors.

(ii) The hot lead of the battery shall be disconnected.

(iii) Dual-fuel vehicles equipped to operate on gasoline and CNG or LP-gas shall comply with this paragraph and paragraphs (D)(18)(a)(3104.18.1) to (D)(18)(e)(iii)(3104.18.5.3) of this rule for gasoline-powered vehicles.

(e) **3104.18.5 Competitions and demonstrations.** Liquid- and gas-fueled vehicles and equipment used for competition or demonstration within a tent or membrane structure shall comply with paragraphs (D)(18)(e)(i)(3104.18.5.1) to (D)(18)(e)(iii)(3104.18.5.3) of this rule.

(i) **3104.18.5.1 Fuel storage.** Fuel for vehicles or equipment shall be stored in approved containers in an approved location outside of the structure in accordance with paragraph (D)(17)(b)(3104.17.2) of this rule.

(ii) **3104.18.5.2 Fueling.** Refueling shall be performed outside of the structure in accordance with paragraph (D)(17)(c)(3104.17.3) of this rule.

(iii) **3104.18.5.3 Spills.** Fuel spills shall be cleaned up immediately.

(19) **3104.19 Separation of generators.** Generators and other internal combustion power sources shall be separated from tents or membrane structures by not less than 20 feet (6096 mm) and shall be isolated from contact with the public by fencing, enclosure or other approved means.

(20) **3104.20 Standby personnel.** Where, in the opinion of the fire code official, it is essential for public safety in a tent or membrane structure used as a place of assembly or any other use where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall employ one or more qualified persons, as required and approved, to remain on duty during the times such places are open to the public, or when such activity is being conducted.

(a) **3104.20.1 Duties.** Before each performance or the start of such activity, standby personnel shall keep diligent

TENTS AND OTHER MEMBRANE STRUCTURES

watch for fires during the time such place is open to the public or such activity is being conducted and take prompt measures for extinguishment of fires that occur and assist in the evacuation of the public from the structure.

(b) **3104.20.2 Crowd managers.** There shall be trained crowd managers or crowd managers/supervisors at a ratio of one crowd manager/supervisor for every 250 occupants, as approved.

(21) **3104.21 Combustible vegetation.** Combustible vegetation that could create a fire hazard shall be removed from the area occupied by a tent or membrane structure, and from areas within 30 feet (9144 mm) of such structures.

(22) **3104.22 Combustible waste material.** The floor surface inside tents or membrane structures and the grounds outside and within a 30-foot (9144 mm) perimeter shall be kept free of combustible waste and other combustible materials that could create a fire hazard. Such waste shall be stored in approved containers and removed from the premises not less than once a day during the period the structure is occupied by the public.

(E) SECTION 3105 TEMPORARY STAGE CANOPIES

(1) **3105.1 General.** Temporary stage canopies shall comply with *paragraph (D)(3104), paragraphs (E)(2)(3105.2) to (E)(8)(3105.8) of this rule and ANSI E1.21 as listed in rule 1301:7-7-80 of the Administrative Code.*

(2) **3105.2 Approval.** Temporary stage canopies in excess of 400 square feet (37 m²) shall not be erected, operated or maintained for any purpose without first obtaining approval and a permit from the fire code official and the building official.

(3) **3105.3 Permits.** Permits shall be required as set forth in *rule 1301:7-7-01 of the Administrative Code.*

(4) **3105.4 Use period.** Temporary stage canopies shall not be erected for a period of more than 45 days.

(5) **3105.5 Required documents.** The following documents shall be submitted to the fire code official and the building official for review before a permit is approved:

(a) **Construction documents:** Construction documents shall be prepared in accordance with the *building code as listed in rule 1301:7-7-80 of the Administrative Code* by a registered design professional. Construction documents shall include:

(i) A summary sheet showing the building code used, design criteria, loads and support reactions.

(ii) Detailed construction and installation drawings.

(iii) Design calculations.

(iv) Operating limits of the structure explicitly outlined by the registered design professional including environmental conditions and physical forces.

(v) Effects of additive elements such as video walls, support scenery, audio equipment, vertical and horizontal coverings.

(vi) Means for adequate stability including specific requirements for guying and cross-bracing, ground anchors or ballast for different ground conditions.

(b) **Designation of responsible party:** The owner of the temporary stage canopy shall designate in writing a person to have responsibility for the temporary stage canopy on the site. The designated person shall have sufficient knowledge of the construction documents, manufacturer's recommendations and operations plan to make judgements regarding the structure's safety and to coordinate with the fire code official.

(c) **Operations plan:** The operations plan shall reflect manufacturer's operational guidelines, procedures for environmental monitoring and actions to be taken under specified conditions consistent with the construction documents.

(6) **3105.6 Inspections.** Inspections shall comply with *paragraph (F)(106) of rule 1301:7-7-01 of the Administrative Code and paragraphs (E)(6)(a)(3105.6.1) and (E)(6)(b)(3105.6.2) of this rule.*

(a) **3105.6.1 Independent inspector.** The owner of a temporary stage canopy shall employ a qualified, independent approved agency or individual to inspect the installation of a temporary stage canopy.

(b) **3105.6.2 Inspection report.** The inspecting agency or individual shall furnish an inspection report to the fire code official. The inspection report shall indicate that the temporary stage canopy was inspected and was or was not installed in accordance with the approved construction documents. Discrepancies shall be brought to the immediate attention of the installer for correction. Where any discrepancy is not corrected, it shall be brought to the attention of the fire code official and the designated responsible party.

(7) **3105.7 Means of egress.** The means of egress for temporary stage canopies shall comply with *rule 1301:7-7-10 of the Administrative Code.*

(8) **3105.8 Location.** Temporary stage canopies shall be located a distance from property lines and buildings to accommodate distances indicated in the construction drawings for guy wires, cross-bracing, ground anchors or ballast. Location shall not interfere with egress from a building or encroach on fire apparatus access roads.

Effective Date: December 15, 2017

Prior Effective Dates: 7/1/79; 6/1/85; 6/15/92; 7/1/93; 9/1/95; 3/30/98; 9/1/05; 7/1/07; 11/1/11

CHAPTER 31

SPECIAL CONSTRUCTION

Look at
Section 3103

SECTION 3101 GENERAL

3101.1 Scope. The provisions of this chapter shall govern special building construction including membrane structures, temporary structures, pedestrian walkways and tunnels, automatic vehicular gates, awnings and canopies, marquees, signs, and towers and antennas.

SECTION 3102 MEMBRANE STRUCTURES

3102.1 General. The provisions of Sections 3102.1 through 3102.8 shall apply to air-supported, air-inflated, membrane-covered cable, membrane-covered frame and tensile membrane structures, collectively known as membrane structures, erected for a period of 180 days or longer. Those erected for a shorter period of time shall comply with the *fire code*. Membrane structures covering water storage facilities, water clarifiers, water treatment plants, sewage treatment plants, greenhouses and similar facilities not used for human occupancy are required to meet only the requirements of Sections 3102.3.1 and 3102.7. Membrane structures erected on a building, balcony, deck or other structure for any period of time shall comply with this section.

3102.1.1 Tensile membrane structures. Tensile membrane structures, including permanent and temporary structures, shall be designed and constructed in accordance with ASCE 55. The provisions in Sections 3102.3 through 3102.6 shall apply.

3102.2 Definitions. The following terms are defined in Chapter 2:

AIR-INFLATED STRUCTURE.

AIR-SUPPORTED STRUCTURE.

Double skin.

Single skin.

**CABLE-RESTRAINED, AIR-SUPPORTED STRUCTURE.
CANOPY.**

MEMBRANE-COVERED CABLE STRUCTURE.

MEMBRANE-COVERED FRAME STRUCTURE.

NONCOMBUSTIBLE MEMBRANE STRUCTURE.

TENSILE MEMBRANE STRUCTURE.

TENT.

3102.3 Type of construction. Noncombustible membrane structures shall be classified as Type IIB construction. Noncombustible frame or cable-supported structures covered by an approved membrane in accordance with Section 3102.3.1 shall be classified as Type IIB construction. Heavy timber frame-supported structures covered by an approved membrane in accordance with Section 3102.3.1 shall be classified

as Type IV construction. Other membrane structures shall be classified as Type V construction.

Exception: Plastic less than 30 feet (9144 mm) above any floor used in greenhouses, where occupancy by the general public is not authorized, and for aquaculture pond covers is not required to meet the fire propagation performance criteria of Test Method 1 or Test Method 2, as appropriate, of NFPA 701.

3102.3.1 Membrane and interior liner material. Membranes and interior liners shall be either noncombustible as set forth in Section 703.5 or meet the fire propagation performance criteria of Test Method 1 or Test Method 2, as appropriate, of NFPA 701 and the manufacturer's test protocol.

Exception: Plastic less than 20 mil (0.5 mm) in thickness used in greenhouses, where occupancy by the general public is not authorized, and for aquaculture pond covers is not required to meet the fire propagation performance criteria of Test Method 1 or Test Method 2, as appropriate, of NFPA 701.

3102.4 Allowable floor areas. The area of a membrane structure shall not exceed the limitations specified in Section 506.

3102.5 Maximum height. Membrane structures shall not exceed one story nor shall such structures exceed the height limitations in feet specified in Section 504.3.

Exception: Noncombustible membrane structures serving as roofs only.

3102.6 Mixed construction. Membrane structures shall be permitted to be utilized as specified in this section as a portion of buildings of other types of construction. Height and area limits shall be as specified for the type of construction and occupancy of the building.

3102.6.1 Noncombustible membrane. A noncombustible membrane shall be permitted for use as the roof or as a skylight of any building or atrium of a building of any type of construction provided the membrane is not less than 20 feet (6096 mm) above any floor, balcony or gallery.

3102.6.1.1 Membrane. A membrane meeting the fire propagation performance criteria of Test Method 1 or Test Method 2, as appropriate, of NFPA 701 shall be permitted to be used as the roof or as a skylight on buildings of Type IIB, III, IV and V construction, provided the membrane is not less than 20 feet (6096 mm) above any floor, balcony or gallery.

3102.7 Engineering design. The structure shall be designed and constructed to sustain dead loads; loads due to tension or inflation; live loads including wind, snow or flood and seismic loads and in accordance with Chapter 16.

3102.7.1 Lateral restraint. For membrane-covered frame structures, the membrane shall not be considered to provide lateral restraint in the calculation of the capacities of the frame members.

SPECIAL CONSTRUCTION

3102.8 Inflation systems. Air-supported and air-inflated structures shall be provided with primary and auxiliary inflation systems to meet the minimum requirements of Sections 3102.8.1 through 3102.8.3.

3102.8.1 Equipment requirements. This inflation system shall consist of one or more blowers and shall include provisions for automatic control to maintain the required inflation pressures. The system shall be so designed as to prevent overpressurization of the system.

3102.8.1.1 Auxiliary inflation system. In addition to the primary inflation system, in buildings larger than 1,500 square feet (140 m²) in area, an auxiliary inflation system shall be provided with sufficient capacity to maintain the inflation of the structure in case of primary system failure. The auxiliary inflation system shall operate automatically when there is a loss of internal pressure and when the primary blower system becomes inoperative.

3102.8.1.2 Blower equipment. Blower equipment shall meet all of the following requirements:

1. Blowers shall be powered by continuous-rated motors at the maximum power required for any flow condition as required by the structural design.
2. Blowers shall be provided with inlet screens, belt guards and other protective devices as required by the building official to provide protection from injury.
3. Blowers shall be housed within a weather-protecting structure.
4. Blowers shall be equipped with backdraft check dampers to minimize air loss when inoperative.
5. Blower inlets shall be located to provide protection from air contamination. The location of inlets shall be approved.

3102.8.2 Standby power. Wherever an auxiliary inflation system is required, an approved standby power-generating system shall be provided. The system shall be equipped with a suitable means for automatically starting the generator set upon failure of the normal electrical service and for automatic transfer and operation of all of the required electrical functions at full power within 60 seconds of such service failure. Standby power shall be capable of operating independently for not less than 4 hours.

3102.8.3 Support provisions. A system capable of supporting the membrane in the event of deflation shall be provided for in air-supported and air-inflated structures having an occupant load of 50 or more or where covering a swimming pool regardless of occupant load. The support system shall be capable of maintaining membrane structures used as a roof for Type I construction not less than 20 feet (6096 mm) above floor or seating areas. The support system shall be capable of maintaining other membranes not less than 7 feet (2134 mm) above the floor, seating area or surface of the water.

SECTION 3103 TEMPORARY STRUCTURES

3103.1 General. The provisions of Sections 3103.1 through 3103.4 shall apply to structures erected for a period of less than 180 days. Tents and other membrane structures erected for a period of less than 180 days shall comply with *this section and Chapter 24 of the fire code*. Those erected for a longer period of time shall comply with applicable sections of this code.

3103.1.1 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

3103.1.2 Approval required. Temporary structures, *other than tents and membrane structures*, that cover an area greater than 120 square feet (11.16 m²) or that exceed an occupant load of 10 or more persons, shall not be erected, operated or maintained for any purpose without obtaining an approval from the building official as authorized in Section 102.8.

3103.1.3 Approval required for tents and membrane structures. Temporary tents and temporary membrane structures having either of the following characteristics shall not be erected, operated or maintained for any purpose without first obtaining an approval from the building official. For the purpose of determining required distances, support ropes and guy wires shall be considered as part of the temporary tent or membrane structure.

1. An individual tent or membrane structure with an area in excess of 400 square feet (37 m²); or
2. Multiple tents or membrane structures with an aggregate area in excess of 400 square feet (37 m²) when adjacent temporary tents or membrane structures are located within 12 feet (3,658 mm) of one another.

Exceptions:

1. An approval is not required for tents used exclusively for recreational camping purposes.
2. An approval is not required for tents open on all sides which comply with all of the following:
 - 2.1. Individual tents having a maximum size of 700 square feet (65 m²).
 - 2.2. The aggregate area of multiple tents placed side by side without a fire break clearance of 12 feet (3,658 mm), not exceeding 700 square feet (65 m²) total.
 - 2.3. A minimum clearance of 12 feet (3658 mm) to all structures and other tents.

3103.2 Construction documents. An application and construction documents shall be submitted for each installation of a temporary structure. The construction documents shall include a site plan indicating the location of the temporary

structure and information delineating the means of egress and the occupant load.

3103.3 Location. Temporary structures shall be located in accordance with the requirements of Table 602 based on the fire-resistance rating of the exterior walls for the proposed type of construction.

3103.4 Means of egress. Temporary structures shall conform to the means of egress requirements of Chapter 10 and shall have an exit access travel distance of 100 feet (30 480 mm) or less.

SECTION 3104 PEDESTRIAN WALKWAYS AND TUNNELS

3104.1 General. This section shall apply to connections between buildings such as pedestrian walkways or tunnels, located at, above or below grade level, that are used as a means of travel by persons. The pedestrian walkway shall not contribute to the building area or the number of stories or height of connected buildings.

3104.1.1 Application. Pedestrian walkways shall be designed and constructed in accordance with Sections 3104.2 through 3104.9. Tunnels shall be designed and constructed in accordance with Sections 3104.2 and 3104.10.

3104.2 Separate structures. Buildings connected by pedestrian walkways or tunnels shall be considered to be separate structures.

Exceptions:

1. Buildings that are on the same lot and considered as portions of a single building in accordance with Section 503.1.2.
2. For purposes of calculating the number of Type B units required by Chapter 11, structurally connected buildings and buildings with multiple wings shall be considered one structure.

3104.3 Construction. The pedestrian walkway shall be of noncombustible construction.

Exceptions:

1. Combustible construction shall be permitted where connected buildings are of combustible construction.
2. Fire-retardant-treated wood, in accordance with Section 603.1, Item 1.3, shall be permitted for the roof construction of the pedestrian walkway where connected buildings are a minimum of Type I or II construction.

3104.4 Contents. Only materials and decorations approved by the building official shall be located in the pedestrian walkway.

3104.5 Connections of pedestrian walkways to buildings. The connection of a pedestrian walkway to a building shall comply with Section 3104.5.1, 3104.5.2, 3104.5.3 or 3104.5.4.

Exception: Buildings that are on the same lot and considered as portions of a single building in accordance with Section 503.1.2.

3104.5.1 Fire barriers. Pedestrian walkways shall be separated from the interior of the building by not less than 2-

hour fire barriers constructed in accordance with Section 707 and Sections 3104.5.1.1 through 3104.5.1.3.

3104.5.1.1 Exterior walls. Exterior walls of buildings connected to pedestrian walkways shall be 2-hour fire-resistance rated. This protection shall extend not less than 10 feet (3048 mm) in every direction surrounding the perimeter of the pedestrian walkway.

3104.5.1.2 Openings in exterior walls of connected buildings. Openings in exterior walls required to be fire-resistance rated in accordance with Section 3104.5.1.1 shall be equipped with opening protectives providing a not less than $\frac{3}{4}$ -hour fire protection rating in accordance with Section 716.

3104.5.1.3 Supporting construction. The fire barrier shall be supported by construction as required by Section 707.5.1.

3104.5.2 Alternative separation. The wall separating the pedestrian walkway and the building shall comply with Section 3104.5.2.1 or 3104.5.2.2 where:

1. The distance between the connected buildings is more than 10 feet (3048 mm).
2. The pedestrian walkway and connected buildings are equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, and the roof of the walkway is not more than 55 feet (16 764 mm) above grade connecting to the fifth, or lower, story above grade plane, of each building.

Exception: Open parking garages need not be equipped with an automatic sprinkler system.

3104.5.2.1 Passage of smoke. The wall shall be capable of resisting the passage of smoke.

3104.5.2.2 Glass. The wall shall be constructed of a tempered, wired or laminated glass wall and doors or glass separating the interior of the building from the pedestrian walkway. The glass shall be protected by an automatic sprinkler system in accordance with Section 903.3.1.1 that, when actuated, shall completely wet the entire surface of interior sides of the wall or glass. Obstructions shall not be installed between the sprinkler heads and the wall or glass. The glass shall be in a gasketed frame and installed in such a manner that the framing system will deflect without breaking (loading) the glass before the sprinkler operates.

3104.5.3 Open sides on walkway. Where the distance between the connected buildings is more than 10 feet (3048 mm), the walls at the intersection of the pedestrian walkway and each building need not be fire-resistance rated provided both sidewalls of the pedestrian walkway are not less than 50 percent open with the open area uniformly distributed to prevent the accumulation of smoke and toxic gases. The roof of the walkway shall be located not more than 40 feet (12 160 mm) above grade plane, and the walkway shall only be permitted to connect to the third or lower story of each building.

Exception: Where the pedestrian walkway is protected with a sprinkler system in accordance with Section

SPECIAL CONSTRUCTION

903.3.1.1, the roof of the walkway shall be located not more than 55 feet (16 764 mm) above grade plane and the walkway shall only be permitted to connect to the fifth or lower story of each building.

3104.5.4 Exterior walls greater than 2 hours. Where exterior walls of connected buildings are required by Section 705 to have a fire-resistance rating greater than 2 hours, the walls at the intersection of the pedestrian walkway and each building need not be fire-resistance rated provided:

1. The pedestrian walkway is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1.
2. The roof of the walkway is not located more than 55 feet (16 764 mm) above grade plane and the walkway connects to the fifth, or lower, story above grade plane of each building.

3104.6 Public way. Pedestrian walkways over a public way shall comply with Chapter 32.

3104.7 Egress. Access shall be provided at all times to a pedestrian walkway that serves as a required exit.

3104.8 Width. The unobstructed width of pedestrian walkways shall be not less than 36 inches (914 mm). The total width shall be not greater than 30 feet (9144 mm).

3104.9 Exit access travel. The length of exit access travel shall be 200 feet (60 960 mm) or less.

Exceptions:

1. Exit access travel distance on a pedestrian walkway equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 shall be 250 feet (76 200 mm) or less.
2. Exit access travel distance on a pedestrian walkway constructed with both sides not less than 50 percent open shall be 300 feet (91 440 mm) or less.
3. Exit access travel distance on a pedestrian walkway constructed with both sides not less than 50 percent open, and equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, shall be 400 feet (122 m) or less.

3104.10 Tunneled walkway. Separation between the tunneled walkway and the building to which it is connected shall be not less than 2-hour fire-resistant construction and openings therein shall be protected in accordance with Table 716.5.

SECTION 3105 AWNINGS AND CANOPIES

3105.1 General. Awnings and canopies shall comply with the requirements of Sections 3105.2 through 3105.4 and other applicable sections of this code.

3105.2 Definition. The following term is defined in Chapter 2: **RETRACTABLE AWNING.**

3105.3 Design and construction. Awnings and canopies shall be designed and constructed to withstand wind or other

lateral loads and live loads as required by Chapter 16 with due allowance for shape, open construction and similar features that relieve the pressures or loads. Structural members shall be protected to prevent deterioration. Awnings shall have frames of noncombustible material, fire-retardant-treated wood, wood of Type IV size, or 1-hour construction with combustible or noncombustible covers and shall be either fixed, retractable, folding or collapsible.

3105.4 Awnings and canopy materials. Awnings and canopies shall be provided with an approved covering that meets the fire propagation performance criteria of Test Method 1 or Test Method 2, as appropriate, of NFPA 701 or has a flame spread index not greater than 25 when tested in accordance with ASTM E84 or UL 723.

Exception: The fire propagation performance and flame spread index requirements shall not apply to awnings installed on detached one- and two-family dwellings.

SECTION 3106 MARQUEES

3106.1 General. Marquees shall comply with Sections 3106.2 through 3106.5, Section 3107.13 and other applicable sections of this code.

3106.2 Thickness. The height or thickness of a marquee measured vertically from its lowest to its highest point shall be not greater than 3 feet (914 mm) where the marquee projects more than two-thirds of the distance from the lot line to the curb line, and shall be not greater than 9 feet (2743 mm) where the marquee is less than two-thirds of the distance from the lot line to the curb line.

3106.3 Roof construction. Where the roof or any part thereof is a skylight, the skylight shall comply with the requirements of Chapter 24. Every roof and skylight of a marquee shall be sloped to downspouts that shall conduct any drainage from the marquee in such a manner so as not to spill over the sidewalk.

3106.4 Location prohibited. Every marquee shall be so located as not to interfere with the operation of any exterior standpipe, and such that the marquee does not obstruct the clear passage of stairways or exit discharge from the building or the installation or maintenance of street lighting.

3106.5 Construction. A marquee shall be supported entirely from the building and constructed of noncombustible materials. Marquees shall be designed as required in Chapter 16. Structural members shall be protected to prevent deterioration.

SECTION 3107 SIGNS

3107.1 General. Signs shall be designed, constructed and maintained in accordance with this and other applicable sections in this code.

3107.1.1 Construction documents and written consent. Construction documents for signs shall be submitted for approval in accordance with the provisions of Chapter 1. The application for approval shall be accompanied by the



**Whitehouse Fire Department
Tent Permit Application
10550 Waterville Street Whitehouse, Ohio 43571
Phone: 419.877.0363**



Application Date: ____ / ____ / ____ Date(s) and Time(s) of Event: _____

Event Name: _____

Tent Address: _____

Number of Open Tents: _____ Tent Sizes: _____

Number of Enclosed Tents: _____ Tent Sizes: _____

Number of People estimated: _____

	Yes	No
Cooking in Tents		
Use of Electricity		
On Village Property		

Owner Information		Tent Vendor Information	
Name:		Name:	
Address:		Address:	
City:	State:	City:	State:
Zip:		Zip:	
Phone Number:		Phone Number:	
Email Address:		Email Address:	

Inspection Date: ____ / ____ / ____ Inspection Time: _____

Inspector Name: _____ Phone Number: _____

Permit Fee:	\$50.00
Building Permit Fee:	\$50.00
Total:	\$100.00

Note: All tents must be 100% ready before an inspection occurs.

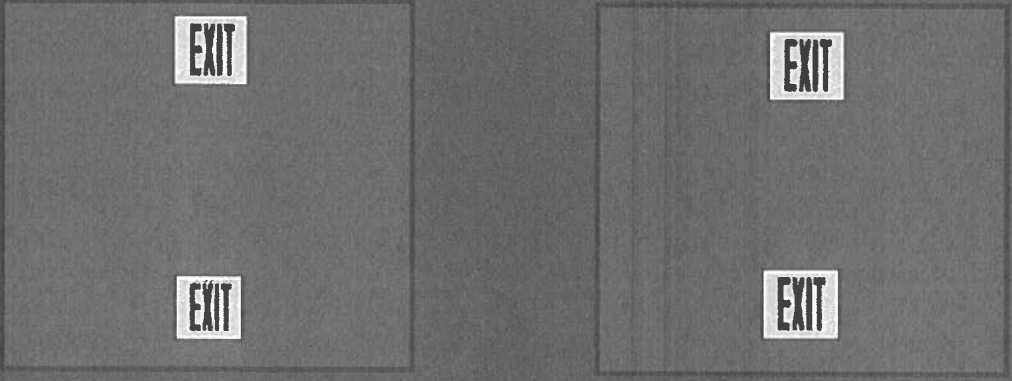
Applicant Signature: _____ Date: ____ / ____ / ____

Tent Layout – Page 2

**Whitehouse Fire Department
Tent Permit Application
10550 Waterville Street Whitehouse, Ohio 43571
Phone: 419.877.0363**



**Whitehouse Fire Department
Tent Permit Application
10550 Waterville Street Whitehouse, Ohio 43571
Phone: 419.877.0363**

		
10 Foot From <ol style="list-style-type: none">1. From existing exits.2. Cooking and approved heating equipment.	12 Foot From <ol style="list-style-type: none">1. Other tents that are open on all sides.	20 Foot From <ol style="list-style-type: none">1. Existing buildings and lot lines. Includes guy wires.2. A tent used for cooking.3. Separations from opening to opening.4. Open flame, generators, vehicles, and engines.
	50 Foot From <ol style="list-style-type: none">1. Flammable and combustible liquid storage.	No Allowed <ol style="list-style-type: none">1. Open flame heating under the tent.

An abstract geometric landscape featuring stylized mountains in various shades of blue. The mountains are composed of numerous triangular facets, creating a faceted, crystalline appearance. The sky above is a gradient of light blue and white, with a bright, glowing area in the center. The overall composition is minimalist and modern.

Tents and Membrane Structures

Village of Whitehouse



Tents



Current Tent Rules

20 feet from
buildings and lot
lines.

Exit lights if the
tent has sides.

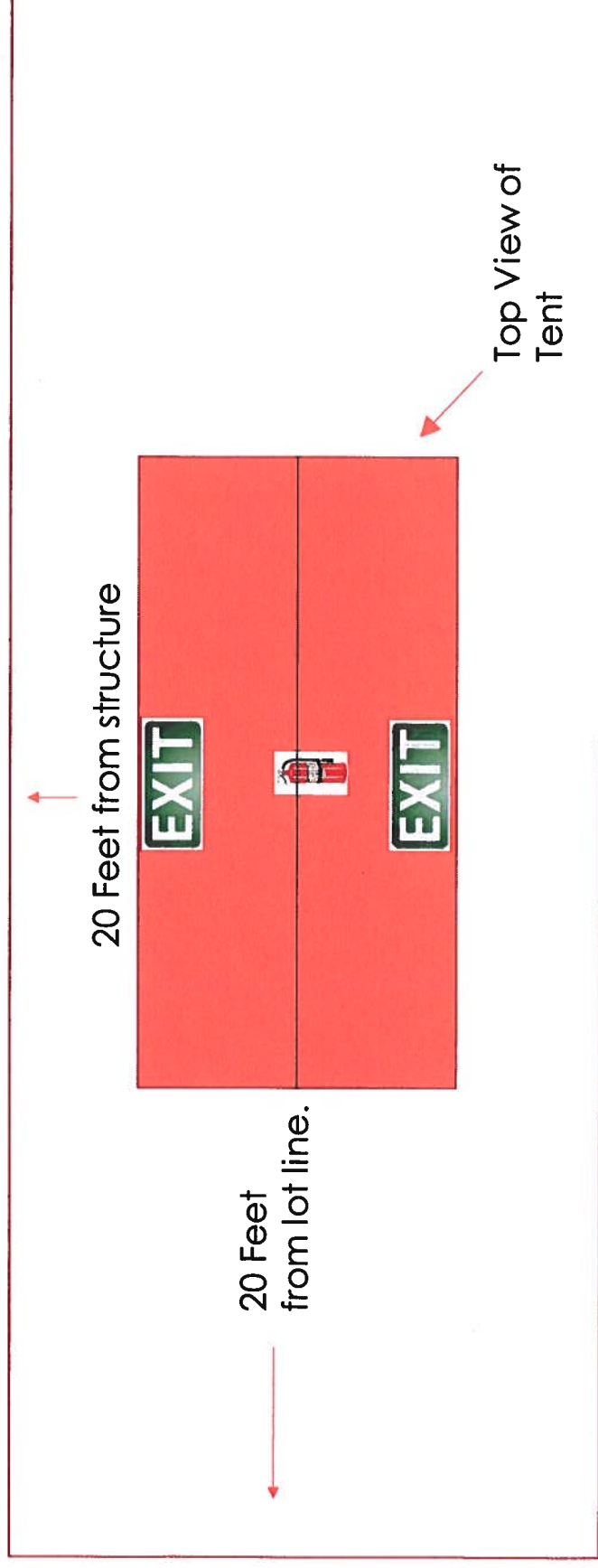
Exit egress.

Fire Extinguishers.

No smoking signs.

Can not be
placed for more
than 180 days per
calendar year.

Current Tent Rules



Anthony Wayne High School



Who Uses Tents



Residential Properties

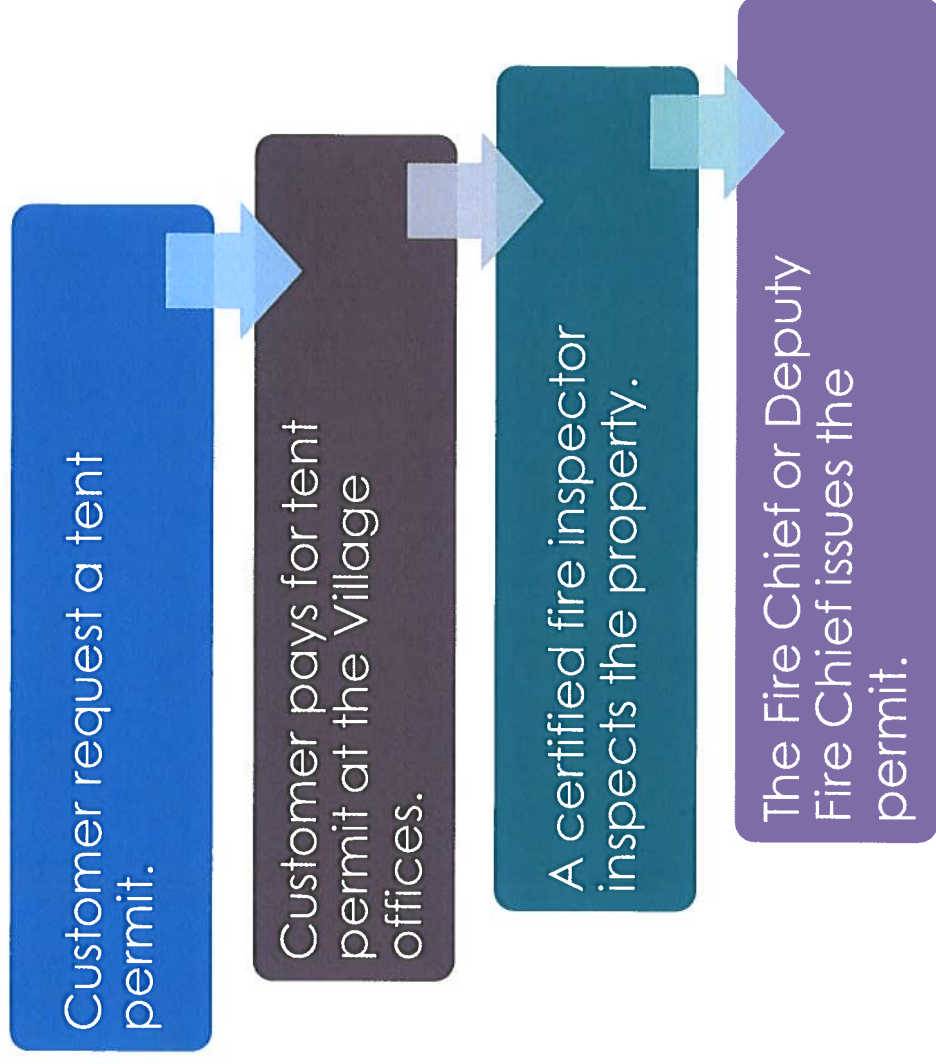


Business Properties



Schools

Current Practice



Proposed Changes



Same as current (+)

Building permit and inspection if
over 400 square feet or has 10
or more people.



Tent placed for no more than
14 consecutive days in a 180-
day period.

Why Change is Needed

Aesthetics.

Weather patterns that visit
Whitehouse.

Overall Safety.

Liability Issues on the
Village.

References

- Cincinnati, Ohio
<https://www.cincinnati-oh.gov/buildings/application-forms/all-forms-handouts-checklists-alphabetical-list/tents-informational-handout/>
- City of Oxford, Ohio
<https://www.cityofoxford.org/departments/community-development/building-and-zoning-permits/tents/regulations>
- Cleveland, Ohio
https://www.clevelandohio.gov/sites/default/files/forms_publications/TentGuidelines.pdf?id=2594
- Dayton, Ohio
<https://www.daytonohio.gov/DocumentCenter/View/250/Tent-Permit-Application-PDF?bidId=>
- Columbus, Ohio
http://columbus-oh.elaws.us/code/coord_title41_ch4113_sec4113.51
- Hamilton County, Ohio
https://plcdn4static.civiclive.com/UserFiles/Servers/Server_3788196/File/Government/Departments/Building%20Inspections/Applications%20and%20Forms/Permit%20Guides/Tents-05.pdf
- Toledo, Ohio
<http://www.toledofirerescue.com/bureaus/fire-prevention-bureau/>

Fees

Building
Department Fee =
\$50.00



Tent Permit =
\$50.00 (already
established).



Tent Re-inspection
Fee (TBD) not in
current fee
schedule.

Fines


Per the Ohio Fire Code (OFC) A citation is allowed to be issued at the rate not to exceed \$1,000.00. An additional \$1,000.00 per day may be granted until the violation is fixed.

The money goes to the Ohio Fire Marshal's Office, not the municipality.

The goal is not to cite, the goal is to have the violation corrected.



Case Study

- Resident A wants to place a 23x30 Tent in their back yard.
 - Resident A meets with the fire department to review the details.
 1. Resident A Fills out the tent permit form.
 2. Resident A Pays the fee to the Village of Whitehouse.
 3. An Inspector inspects Resident A's property.
 4. Inspector issues a permit to Resident A for up to 14 consecutive days. After 180 days, Resident A may complete the process all over again.
- 



Case Study Cont.

- Tent may be erected if the following conditions are met.
1. The permit application is filled out.
 2. The tent is 20 feet from a property line.
 3. The tent is 20 feet from the house.
 4. A permit is awarded.



Tent Permit Application

https://whitehouseohio-my.sharepoint.com/:b:/g/personal/jfrancis_whitehouseoh_gov/ES_qc_s6lktVPqELKdh6o5MkB_lEmex6LacZJ7lx2obqWNA?e=kjY7qI



Questions

